



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,557	10/23/2003	Peter S. Sosinsky	12644-003	6431
1059	7590	03/17/2004	EXAMINER	
BERESKIN AND PARR SCOTIA PLAZA 40 KING STREET WEST-SUITE 4000 BOX 401 TORONTO, ON M5H 3Y2 CANADA			EL SHAMMAA, MARY A	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,557	Applicant(s) SOSINSKY, PETER S.	
	Examiner Mary A. El-Shammaa	Art Unit 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continuity Data

The current Application 10/690557 is a continuation of 09/995864.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “52” has been used to designate both a threaded connection and an LED support housing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because some of the numerical labels are difficult to interpret. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al. (6,491,408).

Regarding claims 1 and 10, Cooper et al. discloses in FIGS. 1-8 a device to locate fluorescent materials, comprising a main body (20, 50, 60) that has two ends and a longitudinal axis (shown in the figures), an ultraviolet LED (12, 28, 54, 74) mounted to the main body so that ultraviolet light from the LED is directed away from the device, and a power source (37) linked to the ultraviolet LED to provide power thereto (Col. 3, Lines 18-21, Col. 4, Lines 1-18, 41-67, Col. 5, Lines 1-31).

Regarding claims 2, 3, 18, 19, 22, and 23, Cooper et al. discloses the ultraviolet LED being a UVA LED, wherein the wavelength of the ultraviolet light produced by the LED is about 315 nm to about 400 nm (Col. 7, Lines 16-18).

Regarding claims 4 and 5, Cooper et al. discloses the LED comprising a plurality of LED lights mounted to a circuit board, and particularly, as can be seen in FIG. 5, the number of LED lights is three (28) (Col. 4, Lines 40-41, 67-68, Col. 5, Lines 16-18).

Regarding claims 6-8, 20, and 24, Cooper et al. discloses the power source being a battery source (37, 64) that is mounted in the main body, and an ON/OFF switch (18, 42) mounted to the main body (20, 50, 60) (Col. 4, Lines 1-16, 50-57, Col. 5, Lines 16-31).

Regarding claims 9, 11, and 12, Cooper et al. discloses a housing (14) connected to the main body at one end, the LED being mounted to the housing, and the ON/OFF switch (18) being mounted to the other end (Col. 4, Lines 1-15).

Art Unit: 2881

Regarding claim 13, Cooper et al. discloses the housing being provided with a lens (16) (Col. 4, Lines 2-4).

Regarding claims 14-16, Cooper et al. discloses a flexible extension (32) and the main body comprising a handle portion (26) (Col. 3, Lines 3-14, Col. 4, Lines 41-49, Col. 5, Lines 7-15, 50-56).

Regarding claims 17 and 21, Cooper et al. discloses a method and device for locating fluid leaks comprising introducing an ultraviolet dye into a fluid in a contained system and illuminating an area of the system to be checked for fluid leaks with an ultraviolet LED (Col. 1, Lines 11-14, 48-53, Col. 2, Lines 9-13, 41-50, Col. 3, Lines 18-21, Col. 4, Lines 66-67, Col. 5, Lines 1-6, Col. 7, Lines 29-41).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (6,522,065), (6,095,661), (6,290,713), (6,362,488), (6,355,935), (6,361,194).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary A. El-Shammaa whose telephone number is 703.308.0851. The examiner can normally be reached on M-F (8:30am-5:00pm).

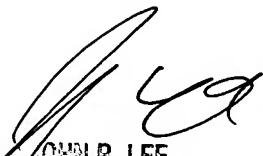
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on 703.308.4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9318 for regular communications and 703.872.9319 for After Final communications.

Art Unit: 2881

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.872.9317.

MAE

March 6, 2004



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800